

REMARKS

Claims 16-25, 33 and 34 are currently pending in the application. The application and claims have not been amended in response to the present Office Action, therefore, no new matter has been. Below is a response to the Examiner's rejections of claims 16 and 34 from the present Office Action.

Claim Rejections

The Examiner rejected claim 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,471,915 (Levin). The Examiner argues that Levin discloses each and every element of currently pending claim 16. Applicants respectfully traverse this rejection.

Referring to Figs. 1-5, Levin is directed to a food processor 10 including a housing 12, a container 18, a container cover 30 and a wing element 58 mounted to the cover 30. The container 18 is removably mountable to the housing 12, the lid 30 is removably mountable to a mouth of the container 18 and the wing element 58 is pivotally mounted to the lid 30. A feed tube 52 extends generally perpendicularly from an upper surface of the lid 30 and the wing element 58 includes a feed tube segment 62 that extends generally perpendicularly and upwardly relative to a top surface of the lid 30. The feed tube 52 includes a lower section having a closed cross-section and an upper portion having a generally U-shaped, open cross-section, while the feed tube segment 62 has a generally U-shaped open cross-section except for a limited closed cross-section at its top. The open cross-sections of the feed tube 52 and feed tube segment 62 permit receipt of the lower portion of the feed tube 52 into discontinuous, lower portion of the feed tube segment 62. The housing 12 includes a safety switch 70 therein and the wing element 58 includes a safety switch actuator tongue 68.

In operation, the container 18 is mounted to the housing 12, a tool 50 is mounted within the container 18 and the lid 30 is mounted to the mouth of the container 18 to cover the tool 50. A relatively large foodstuff may be positioned in the feed tube 52 and the feed tube segment 62 is pivoted such that a guard 64 is positioned over the mouth of the feed tube 52 and the safety switch actuator tongue 68 is in contact with the switch 70. The food processor 10 may operate in

this working position as long as the switch 70 is actuated. In the working position, the guard 64 extends over the mouth of the feed tube 52 preventing an average-sized hand from extending through the feed tube 52 and into contact with the rotating tool 50. At all times, the feed tube segment 62 is positioned outside of a feed cavity of the feed tube 52 and, in the working position, a section of the lower portion of the feed tube 52 is positioned within the open, discontinuous portion of the feed tube segment 62.

Claim 16 is directed to a lid for a bowl of a food processor and recites, *inter alia*:

a top lid wall;

a feed tube extending from the top lid wall along a feed axis, the feed tube including a continuous inner feed surface that defines a feed cavity; and

a moveable gate positioned within the feed cavity ... the movable gate pivotable within the feed cavity between an open position and a compacting position... [Emphasis Added]

Applicants respectfully submit that Levin does not teach, suggest or disclose each and every element of claim 16. Specifically, Levin discloses the pivotable feed tube segment 62 that is always positioned outside of a feed cavity of the feed tube of the lid. In addition, any continuous inner surface of the feed tube 52 of feed tube segment that may define a feed cavity does not include any movable portions of the feed tube or feed tube segment of Levin therein or a movable gate, as is claimed in claim 16. In contrast, as is claimed in claim 16, the movable gate is positioned within the feed cavity defined by the continuous inner feed surface of the feed tube and is pivotable therein. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 16 based upon anticipation by Levin.

Claims 17-25 are directly or indirectly dependent upon claim 16. Based upon the above-presented arguments, Applicants respectfully request that the Examiner reconsider and withdraw any objection of claims 17-25 based at least upon its dependence upon claim 16.

The Examiner rejected claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Levin in view of U.S. Patent No. 4,397,427 (Howard). The Examiner argues that Levin discloses each and every element of claim 34 except for a food pusher. The Examiner argues that Howard discloses a food pusher and it would have been obvious to one having ordinary skill in the art to provide Levin with a food pusher as taught by Howard, to construct a lid for a food

processor having each and every element of claim 34. Applicants respectfully traverse this rejection.

Claim 34 is directed to a lid for a bowl of a food processor and recites, *inter alia*:

a top lid wall;

a feed tube extending from the top lid wall along a feed axis, the feed tube including a continuous inner feed surface that defines a feed cavity; ... and

a moveable gate positioned within the feed cavity ... the movable gate pivotable within the feed cavity between an open position and a compacting position

Applicants respectfully submit that claim 34 is patentable over Levin in view of Howard because no combination of Levin in view of Howard would include every element of currently pending claim 34. As argued above regarding claim 16, Levin discloses the pivotable feed tube segment 62 that is always positioned outside of a feed cavity of the feed tube 52 of the lid. In addition, the only continuous inner surface of the feed tube of Levin is located in the lower portion of the feed tube and there is no movable gate positioned within this lower portion of the feed tube of Levin. In contrast, the movable gate of the present application, as is claimed in claim 34, is positioned within the feed cavity that is defined by a continuous inner feed surface of the feed tube. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claim 34 based upon a combination of Levin in view of Howard.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claim 33 is allowable and claims 17-25 would be allowable if rewritten into independent form. Claims 17-25 are dependent upon claim 16 and Applicants have presented the above-listed arguments directed to the patentability of claims 16 in view of the Examiner's current rejection.

CONCLUSION

In view of the foregoing Request for Reconsideration, Applicants respectfully submit that the present application, including claims 16-25, 33 and 34, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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